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Viewing cable 09QUITO883, Refugees Programs in Ecuador Risk Benefitting the FARC

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Reference ID	Created	Released	Classification	Origin
09QUITO883	2009-10-15 20:44	2011-08-30 01:44	SECRET//NOFORN	Embassy Quito

Appears in these articles:

<http://www.eluniverso.com/2011/04/15/1/1355/cable-229886.html>

VZCZCXYZ0031
OO RUEHWEB

DE RUEHQQT #0883/01 2882044
ZNY SSSSS ZZH
O R 152044Z OCT 09
FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0192
INFO RUCNDT/USMISSION USUN NEW YORK 0008
RUEAIIA/CIA WASHINGTON DC
RUEHBO/AMEMBASSY BOGOTA
RUEHBR/AMEMBASSY BRASILIA 0042
RUEHCV/AMEMBASSY CARACAS 0062
RUEHGV/USMISSION GENEVA 0008
RUEHLP/AMEMBASSY LA PAZ NOV LIMA 0068
RUEHSJ/AMEMBASSY SAN JOSE 0001
RUEHZP/AMEMBASSY PANAMA 0001

S E C R E T QUITO 000883

SIPDIS
NOFORN

E.O. 12958: DECL: 2029/10/14
TAGS: [PREF](#) [PHUM](#) [KCRM](#) [KWMN](#) [PGOV](#) [SMIG](#) [SNAR](#) [SOCI](#) [EC](#) [CO](#)
SUBJECT: Refugees Programs in Ecuador Risk Benefitting the FARC

id: 229886
date: 10/15/2009 20:44
refid: 09QUITO883
origin: Embassy Quito
classification: SECRET//NOFORN
destination: 08STATE20628|09QUITO609
header:
VZCZCXYZ0031
OO RUEHWEB

DE RUEHQT #0883/01 2882044
ZNY SSSSS ZZH
O R 152044Z OCT 09
FM AMEMBASSY QUITO
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0192
INFO RUCNDT/USMISSION USUN NEW YORK 0008
RUEAIIA/CIA WASHINGTON DC
RUEHBO/AMEMBASSY BOGOTA
RUEHBR/AMEMBASSY BRASILIA 0042
RUEHCV/AMEMBASSY CARACAS 0062
RUEHGV/USMISSION GENEVA 0008
RUEHP/AMEMBASSY LA PAZ NOV LIMA 0068
RUEHSJ/AMEMBASSY SAN JOSE 0001
RUEHZP/AMEMBASSY PANAMA 0001

----- header ends -----

S E C R E T QUITO 000883

SIPDIS
NOFORN

E.O. 12958: DECL: 2029/10/14
TAGS: [PREF](#) [PHUM](#) [KCRM](#) [KWMN](#) [PGOV](#) [SMIG](#) [SNAR](#) [SOCI](#) [EC](#) [CO](#)
SUBJECT: Refugees Programs in Ecuador Risk Benefitting the FARC
REF: TD-314/054074-09; TD-314/062859-09; QUITO 609; 08 STATE 020628
CLASSIFIED BY: Heather Hodges, Ambassador; REASON: 1.4(B), (C), (D)
¶1. (S/NF) This is an action request. See para. 9.

¶2. (S/NF) Summary and Comment: Embassy Quito and the Regional Refugee Coordinator (RefCoord) request guidance on how to respond to information that suspected FARC members have manipulated Ecuador's Enhanced Registration Program implemented by the MFA Directorate General for Refugees and the UN High Commissioner for Refugees (UNHCR) to gain refugee status in the country. We also request Department guidance on how to address potential cases of unintended diversion of humanitarian assistance to terrorist/criminal groups to comply with risk-based assessment requirements. GOE and UNHCR officials assert that security measures are in place to avoid registration of FARC members and that protection of, and data collection on, refugees is important. However, it is unclear whether the GOE is enforcing its own rules and what action might be taken against known FARC members. Post and RefCoord request that Washington provide releasable information that could be shared with GOE and UNHCR officials. End Summary and Comment.

Manipulation of Refugee Registration and Assistance

¶3. (S/NF) According to GRPO reports (Refs A and B), a Revolutionary Armed Forces of Colombia (FARC) collaborator working under the Enhanced Registration Program (ERP) has facilitated recommendations

for refugee status for an unspecified number of suspected FARC members. The same FARC collaborator has also reportedly diverted humanitarian assistance from UNHCR and other relief agencies to the FARC in Sucumbios Province, and traveled to Colombia with an International Committee of the Red Cross (ICRC) medical training mission during which time she acted on her own to provide medical assistance to the FARC. The reports also assert that the Ecuadoran military had passed the names of three known or suspected FARC members seeking asylum under the ERP to the MFA and UNHCR, but that both agencies did not take action and the GOE issued refugee status to these individuals.

¶4. (S/NF) Post and RefCoord have not confirmed if these individuals were provided refugee status or asylum seeker status. Under the Enhanced Registration process (see description in para. 10), any asylum seeker (those who seek, but have not yet been granted, refugee status) who is suspected of having links to illegal armed groups is supposed to be given an asylum seeker card -- not a refugee card -- and referred to the regular asylum process in Quito for further scrutiny. UNHCR has reported that approximately 4 percent of asylum seekers have been referred to the regular asylum process for an exclusion analysis, including an unspecified number of cases with suspected links to an illegal armed group. Other exclusions include those determined not to be staying in the country or economic migrants. These referred cases are still pending and may take months to resolve, assuming the GOE truly has will and intent to confront this issue.

GOE Responds to Security Concerns

¶5. (C) MFA Under Secretary of Multilateral Affairs Carlos Jativa told RefCoord on August 31 that security checks are a part of the ERP process and that he does not believe members of illegal armed groups would willingly expose themselves to government entities, noting that a refugee visa alone is not valid permission to enter or exit the country. He added that an inter-agency taskforce (including GOE security forces) reviewed this concern when the ERP was designed and signed off on the process.

¶6. (C) Under Secretary of National Defense Jorge Pena told Embassy officers on September 3 that collecting data on Colombian refugees through the registration process, including potential FARC members or sympathizers, was better than not knowing who was present in Ecuador. However, he was unable to articulate how the GOE would share this data with its own security forces.

UNHCR's Response to Security Concerns

¶7. (C) UNHCR Deputy Representative Luis Varese explained to RefCoord and the PRM Program Officer in May that the ERP includes an exclusion clause for suspected members of illegal armed groups and police are involved in the process. A representative from the Ministry of Government and Police serves as a voting member on the GOE Eligibility Committee. Additionally, the last step in the process is the Migration Police registering those granted refugee status.

¶8. (C) Post and RefCoord plan to engage with the GOE to urge stronger coordination between the MFA Directorate General for Refugees and security forces. Releasable information (as requested in para. 9) would allow us to share our specific concerns with the GOE, UNHCR, and ICRC, and to request investigations of the alleged incidents and appropriate action if confirmed.

Action Request

¶9. (S/NF) Action Request: Post and RefCoord request Department guidance on how to respond to information (Refs A and B) that suspected members of the FARC have manipulated Ecuador's Enhanced Registration Program to gain refugee status, and on providing humanitarian assistance in USG-supported programs in which there exist the potential of unintended diversion of assistance to benefit terrorist/ criminal groups. While the steps planned by Post and RefCoord are aimed to address specific instances of possible diversion of humanitarian assistance and to strengthen processes to prevent such actions, Post recognizes there may exist continuing and systemic risk of such diversion and would like the Department's guidance on whether the overall benefit of providing USG support to these humanitarian assistance programs outweighs the risk of inadvertently providing benefit to terrorists or their supporters. In addition, Post and RefCoord request that Washington provide releasable information based on Refs A and B (and any sources, if appropriate) that we can share with the GOE and UNHCR.

Background on Enhanced Registration Program

¶10. (SBU) The MFA Directorate General for Refugees and UNHCR launched the ERP in March 2009 to provide a more efficient refugee registration process for the estimated 135,000 Colombians in need of international protection in Ecuador. As of August, some 13,000 Colombians have received refugee status under the program. The RefCoord and PRM Program Officer raised the possibility of the FARC

manipulating the ERP to gain refugee status in May and August with the MFA and UNHCR. In both instances, the MFA and UNHCR responded that the Enhanced Registration and regular asylum processes include an exclusion clause for members of illegal armed groups and that the interviewers and the GOE Eligibility Commission scrupulously implement the standard operating procedure manual.

¶11. (SBU) According to UNHCR statistics, 17,607 new asylum seekers applied in 2008, of which 85 percent were Colombian. Refugee status was provided for 4,331 Colombians, was rejected for 3,824, and otherwise closed for 220. From March 23 to October 3, 2009, under the Enhanced Registration Program, the GOE recognized 16,320 Colombian refugees and referred 377 cases to the regular asylum process for further analysis. Nearly 90 percent of the recognized refugees were women and minors below the age of 18. UNHCR Deputy Representative Varese told RefCoord that the majority of the cases referred to Quito were due to suspected links to an illegal armed group. These cases were still pending and may take months to resolve. Since 2004, approximately 470 cases have been excluded for links to illegal armed groups out of some 55,000 asylum claims.

¶12. (U) Under the ERP, an asylum seeker suspected of having links to any illegal armed group is referred to the regular asylum process in Quito, where a Refugee Officer in the MFA investigates and passes the case to the GOE Eligibility Committee. The GOE Eligibility Committee is made up of two representatives from the MFA with one vote each, one representative from the Ministry of Government and Police with one vote, one representative from UNHCR with a voice but no vote, and other observers from civil society without voice or vote. If the GOE Eligibility Committee determines the asylum seeker does not qualify for refugee status under the exclusion clause, the asylum seeker has 30 days to appeal the decision directly to the MFA. If the appeal is not successful, the asylum seeker will be given 60 days to regularize his/her status

under the immigration law or to leave the country voluntarily. Any rejected asylum seeker found in the country with an irregular migration status may be detained and referred to deportation proceedings conducted by Provincial Police and Migration Police.

¶13. (U) Refugee status is valid for a renewable one-year period. (A proposed new draft of the presidential refugee decree recommends increasing the validity to three years.) A refugee must petition for renewal in person at an MFA office before the status expires. At the time of renewal, the MFA Directorate General for Refugees (DGR) updates the refugee's bio-data and issues a new card. If a refugee does not renew the status before the expiration date, DGR will consider the cause of delay. Refugees cannot leave the country without DGR's authorization, which migration officials verify upon exit and re-entry whether overland or by air. To obtain authorization, refugees must present requests justifying their reasons for travel and the time they will spend outside the country. If DGR approves, the MFA's Travel Documents Directorate issues international travel documents valid for one year.

¶14. (U) This cable was drafted in collaboration with RefCoord and cleared by Embassy Bogota.

HODGES

=====CABLE ENDS=====